

BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2015-33

**SOUTHLAND PEST CONTROL;
MARCELO D. GALLO-ROSERO,
SHAMIRAN K. GALLO**
2900 Adams Street, Suite A-14
Riverside, CA 92504
Company Registration Certificate No. PR
6434, Branch 2 and Branch 3

OAH No. 2015030425

Mailing:
P.O. Box 5206
Riverside, CA 92517;

**SOUTHLAND PEST CONTROL
MARCELO D. GALLO-ROSERO,
PARTNER/FIELD REPRESENTATIVE**
2900 Adams Street, Suite A-14
Riverside, CA 92504
Field Representative No. FR 43039, Branch
2 and Branch 3

Mailing:
P.O. BOX 5206
Riverside, CA 92517;

**SOUTHLAND PEST CONTROL;
SHAMIRAN K. GALLO, PARTNER/
APPLICATOR**
2900 Adams Street, Suite A-14
Riverside, CA 92504
Applicator License No. RA 52115, Branch 2
and Branch 3

Mailing:
P.O. BOX 5206
Riverside, CA 92517;

**PATRICK SULLIVAN MILLER
SOUTHLAND PEST CONTROL,
QUALIFYING MANAGER**
2900 Adams Street, Suite A-14
Riverside, CA 92504
Operator License No. OPR 11816, Branch 2
Field Representative License No. FR 47727,
Branch 3

Mailing:
750 Via Pueblo, Unit #208
Riverside, CA 92507;

EFREM THOMAS ALVAREZ
SOUTHLAND PEST CONTROL,
QUALIFYING MANAGER
2900 Adams Street, Suite A-14
Riverside, CA 92504
Operator License No. OPR 12669, Branch 3

Mailing:
750 Breeze Hill Road, Unit #75
Vista, CA 92081;

and

ROBERT FRANK ELLETT
6263 Cosmos Street
Corona, CA 92880
Operator License No. OPR 10599, Branch 3

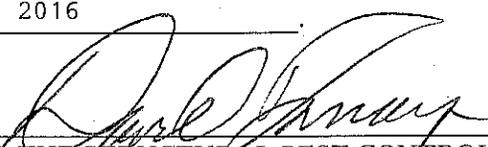
Respondents.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order, as to Respondents Southland Pest Control, Marcelo D. Gallo-Rosero and Shamiran K. Gallo only, is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

The Decision shall become effective on March 3, 2016.

IT IS SO ORDERED February 2, 2016



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 LANGSTON M. EDWARDS
Deputy Attorney General
4 State Bar No. 237926
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 620-6343
6 Facsimile: (213) 897-2804
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2015-33

13 **SOUTHLAND PEST CONTROL;**
14 **MARCELO D. GALLO-ROSERO,**
15 **SHAMIRAN K. GALLO**
2900 Adams Street, Suite A-14
Riverside, CA 92504
16 Company Registration Certificate No. PR
6434, Branch 2 and Branch 3

OAH No. 2015030425
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 Mailing:
18 P.O. Box 5206
Riverside, CA 92517;

19 **SOUTHLAND PEST CONTROL**
20 **MARCELO D. GALLO-ROSERO,**
21 **PARTNER/FIELD REPRESENTATIVE**
2900 Adams Street, Suite A-14
Riverside, CA 92504
22 Field Representative No. FR 43039, Branch
2 and Branch 3

23 Mailing:
24 P.O. BOX 5206
Riverside, CA 92517;

25 **SOUTHLAND PEST CONTROL;**
26 **SHAMIRAN K. GALLO, PARTNER/
APPLICATOR**
2900 Adams Street, Suite A-14
Riverside, CA 92504
27 Applicator License No. RA 52115, Branch 2
and Branch 3

1 Mailing:
2 P.O. BOX 5206
3 Riverside, CA 92517;

4 PATRICK SULLIVAN MILLER
5 SOUTHLAND PEST CONTROL,
6 QUALIFYING MANAGER
7 2900 Adams Street, Suite A-14
8 Riverside, CA 92504
9 Operator License No. OPR 11816, Branch 2
10 Field Representative License No. FR 47727,
11 Branch 3

12 Mailing:
13 750 Via Pueblo, Unit #208
14 Riverside, CA 92507;

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16 SOUTHLAND PEST CONTROL,
17 QUALIFYING MANAGER
18 2900 Adams Street, Suite A-14
19 Riverside, CA 92504
20 Operator License No. OPR 12669, Branch 3

21 Mailing:
22 750 Breeze Hill Road, Unit #75
23 Vista, CA 92081;

24 and

25 ROBERT FRANK ELLETT
26 6263 Cosmos Street
27 Corona, CA 92880
28 Operator License No. OPR 10599, Branch 3

Respondents.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Susan Saylor (Complainant) is the Registrar/Executive Officer of the Structural Pest Control Board. She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Langston M. Edwards, Deputy Attorney General.

1 2. Respondents Southland Pest Control; Marcelo D. Gallo-Rosero, Shamiran K. Gallo
2 (Respondent) are representing themselves in this proceeding and have chosen not to exercise their
3 right to be represented by counsel.

4 Southland Pest Control

5 3. On or about January 19, 2012, the Structural Pest Control Board issued Company
6 Registration Certificate Number PR 6434 to Southland Pest Control; Marcelo D. Gallo-Rosero,
7 Shamiran K. Gallo (Respondent Southland). The Company Registration Certificate was in full
8 force and effect at all times relevant to the charges brought herein.

9 Marcelo D. Gallo-Rosero

10 4. On or about April 25, 2008, the Structural Pest Control Board issued Field
11 Representative's License No. FR 43039 in Branch 2 to Marcelo D. Gallo-Rosero (Respondent
12 Gallo-Rosero). On or about June 6, 2012, Field Representative's License No. FR 43039 was
13 upgraded to include Branches 2 and 3. Field Representative's License No. FR 43039 was in full
14 force and effect at all times relevant to the charges brought herein and will expire on June 30,
15 2016, unless renewed.

16 5. On or about December 31, 2007, the Structural Pest Control Board issued
17 Applicator's License No. RA 48373 in Branches 2 and 3 to Respondent Gallo-Rosero. On or
18 about April 25, 2008, Applicator's License No. RA 48373 was downgraded to Branch 3 only, due
19 to the issuance of a Branch 2 Field Representative's license, and was placed on inactive status.
20 Applicator's License No. RA 48373 was cancelled on December 31, 2010.

21 Shamiran K. Gallo

22 6. On or about June 7, 2011, the Structural Pest Control Board issued Applicator's
23 License No. RA 52115 in Branches 2 and 3 to Shamiran K. Gallo (Respondent Gallo).¹
24 Applicator's License No. RA 52115 was in full force and effect at all times relevant to the
25 charges brought herein and will expire on June 30, 2017, unless renewed.

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27 ¹ Respondent Southland, Respondent and Gallo-Rosero and Respondent Gallo are collectively referred to as
28 "Respondents" throughout this document, unless indicated otherwise.

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JURISDICTION

7. Accusation No. 2015-33 was filed before the Structural Pest Control Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 7, 2015. Respondent timely filed its Notice of Defense contesting the Accusation.

8. A copy of Accusation No. 2015-33 is attached as **Exhibit A** and incorporated herein by reference.

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ADVISEMENT AND WAIVERS

9. Respondents have carefully read, and understands the charges and allegations in Accusation No. 2015-33. Respondents have also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

10. Respondents are fully aware of its legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at its own expense; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

11. Respondents voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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CULPABILITY

12. Respondents admit the truth of each and every charge and allegation in Accusation No. 2015-33.

13. Respondents agree that Company Registration Certificate No. PR 6434 issued to Respondents Southland Pest Control, Marcelo D. Gallo-Rosero and Shamiran K. Gallo; Field Representative No. FR 43039 issued to Respondent Marcelo D. Gallo-Rosero; and Applicator

1 License No. RA 52115 issued to Shamiran K. Gallo are subject to discipline and they agree to be
2 bound by the Board's probationary terms as set forth in the Disciplinary Order below.

3
4 CONTINGENCY

5 14. This stipulation shall be subject to approval by the Structural Pest Control Board.
6 Respondents understand and agree that counsel for Complainant and the staff of the Structural
7 Pest Control Board may communicate directly with the Board regarding this stipulated settlement,
8 without notice to or participation by Respondents. By signing the stipulation, Respondents
9 understand and agree that they may not withdraw this agreement or seek to rescind the stipulation
10 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
11 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
12 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
13 and the Board shall not be disqualified from further action by having considered this matter.

14 15. The parties understand and agree that Portable Document Format (PDF) and facsimile
15 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
16 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

17 16. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
18 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
19 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
20 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
21 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
22 writing executed by an authorized representative of each of the parties.

23 17. In consideration of the foregoing admissions and stipulations, the parties agree that
24 the Board may, without further notice or formal proceeding, issue and enter the following
25 Disciplinary Order:

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1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that Company Registration Certificate No. PR 6434 issued to
3 Respondents Southland Pest Control, Marcelo D. Gallo-Rosero and Shamiran K. Gallo; Field
4 Representative No. FR 43039 issued to Respondent Marcelo D. Gallo-Rosero; and Applicator
5 License No. RA 52115 issued to Shamiran K. Gallo are revoked. However, the revocation is
6 stayed and Respondents are placed on probation for three (3) years on the following terms and
7 conditions.

8 1. **Obey All Laws.** Respondents shall obey all federal, state and local laws and all laws
9 and rules relating to the practice of structural pest control.

10 2. **Quarterly Reports.** Respondents shall file quarterly reports with the Board during
11 the period of probation.

12 3. **Tolling of Probation.** Should Respondents leave California to reside outside this
13 state, Respondent must notify the Board in writing of the dates of departure and return. Periods
14 of residency or practice outside the state shall not apply to reduction of the probationary period.

15 4. **Notice to Employers.** Respondents shall notify all present and prospective
16 employers of the decision in Case No. 2015-33 and the terms, conditions and restriction imposed
17 on Respondent by said decision.

18 Within 30 days of the effective date of this decision, and within 15 days of Respondent
19 undertaking new employment, Respondents shall cause their employer to report to the Board in
20 writing acknowledging the employer has read the decision in Case No. 2015-33.

21 5. **Notice to Employees.** Respondents shall, upon or before the effective date of this
22 decision, post or circulate a notice to all employees involved in structural pest control operations
23 which accurately recite the terms and conditions of probation. Respondents shall be responsible
24 for said notice being immediately available to said employees. "Employees" as used in this
25 provision includes all full-time, part-time, temporary and relief employees and independent
26 contractors employed or hired at any time during probation.

27 6. **Completion of Probation.** Upon successful completion of probation, Respondents'
28 certificate and licenses will be fully restored.

1 7. **Violation of Probation.** Should Respondents violate probation in any respect, the
2 Board, after giving Respondents notice and an opportunity to be heard, may revoke probation and
3 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against
4 Respondents during probation, the Board shall have continuing jurisdiction until the matter is
5 final, and the period of probation shall be extended until the matter is final.

6 8. **Correspondence Course - Branch 3.** Within six (6) months of the effective date of
7 decision, Respondent Marcelo D. Gallo-Rosero shall complete four (4) hours of a Board approved
8 course for Branch 3 technical. These hours shall not be applied towards renewal of Field
9 Representative No. FR 43039.

10 9. **Random Inspections.** Respondents shall reimburse the Board for one (1) random
11 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per
12 inspection.

13 10. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
14 **Manager.** Respondents are prohibited from serving as an officer, director, associate, partner,
15 qualifying manager or branch office supervisor for any registered company, other than Southland
16 Pest Control during the period that discipline is imposed on Company Registration No. PR 6434,
17 Field Representative License No. 43039 and Applicator License no. RA 52115.

18 11. **Cost Recovery.** Pursuant to Section 125.3 of the California Business and Professions
19 Code, Respondents shall pay to the Board investigation and enforcement costs in the amount of
20 \$3,553.51, jointly and severally, in monthly installments as agreed by the Board to be paid in full,
21 no later than three (3) months prior to the end of probation. Probation shall not be terminated
22 until all costs are paid in full.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on Company Registration Certificate No. PR 6434 issued to Respondents Southland Pest Control, Marcelo D. Gallo-Rosero and Shamiran K. Gallo; Field Representative No. FR 43039 issued to Respondent Marcelo D. Gallo-Rosero; and Applicator License No. RA 52115 issued to Shamiran K. Gallo. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATE: _____

SOUTHLAND PEST CONTROL, MARCELO D.
GALLO-ROSERO,
Respondent

DATE: 7-21-15



SOUTHLAND PEST CONTROL, SHAMIRAN K.
GALLO,
Respondent

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DATE: 7/21/15



SOUTHLAND PEST CONTROL; MARCELO D. GALLO-ROSERO, Respondent

DATE: _____

SOUTHLAND PEST CONTROL; SHAMIRAN K. GALLO, Respondent

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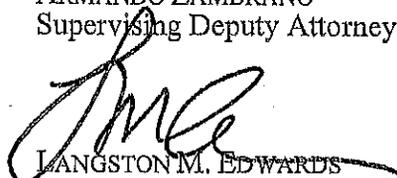
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board.

Dated: July 21, 2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General


LANGSTON M. EDWARDS
Deputy Attorney General
Attorneys for Complainant

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